IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:13-cv-284-GCM

CHARLES DIXON,)	
Plaintiff,)))	
vs.)	ORDER
PATRICK DONAHOE, RENEE AVINGER,)))	
Defendant.)))	

THIS MATTER comes before the Court on its own motion. On May 9, 2013, Plaintiff filed the instant action alleging that the U.S. Postal Service discriminated against him because of his age, purportedly in violation of the Age Discrimination in Employment Act, 29 U.S.C. § 621 et. seq. [Doc. No. 1]. On June 3, 2013, this Court prepared an Order detailing the deficiencies of Plaintiff's Complaint and allowing Plaintiff twenty days to cure the deficiencies outlined in the Court's Order by filing an amended complaint and directed the Plaintiff to furnish the Court with a copy of the Notice of Charge filed with the EEOC. [Doc. No. 3]. The Court specifically cautioned Plaintiff that failure to comply with the Court's Order may result in the dismissal of his Complaint without further notice. On June 20, 2013, Plaintiff filed ninety pages of documents including his Statement Against Final Agency Decision; the Postal Service's Final Agency Decision; a copy of the Court's June 3, 2013 Order; the thirty-three page EEOC Investigative Report; and various letters and medical reports. [Doc. No. 4]. However, to date, Plaintiff has not filed an Amended Complaint as directed.

The Court has already given the *pro* se Plaintiff an opportunity to cure the deficiencies of his Complaint by allowing him to file an amended complaint. However, the Plaintiff did not comply with the Court's Order nor did the Plaintiff seek the Court's guidance regarding the Court's Order. Based on what the Plaintiff has filed in response to this Court's Order, it is clear to the Court that allowing the Plaintiff a further continuance to file an amended complaint would be futile.

Therefore, Plaintiff's Complaint will be dismissed both for his failure to comply with the Court's June 3, 2013 Order and because the Court believes that, based upon the documents Plaintiff filed in response to the Court's June 3, 2013 Order, a further continuance to allow the Plaintiff to amend his Complaint would be futile. The Clerk is directed to close this case.

SO ORDERED.

Signed: July 9, 2013

Graham C. Mullen

United States District Judge